Name of Policy: The Learning Environment and Faculty Professionalism

Policy Number: 3364-81-04-018-00

Approving Officer: Dean, College of Medicine & Life Sciences

Responsible Agent: Associate Dean for Professionalism, College of Medicine & Life Sciences

Scope: Faculty in the College of Medicine & Life Sciences

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Effective date: 12/30/14

(A) Policy Statement

The University of Toledo, College of Medicine & Life Sciences subscribes to the Association of American Medical College’s guiding principles for promoting a positive learning environment and expects all faculty in the College of Medicine & Life Sciences to understand and comply with these principles at all times.

(B) Purpose of Policy

The purpose of this policy is to clarify expectations of professionalism and behavior for Faculty. The purpose is to promulgate the University’s commitment to providing a positive learning environment for our students, staff or other faculty members and patients and to have a mechanism in place for to report exemplary professionalism by the Faculty as set forth in Article F below, as well as unprofessional behavior or perceived abuse or mistreatment. The purpose is to clarify that persons may report their concerns without any fear of retribution and with the expectation that the College of Medicine & Life Sciences will thoroughly investigate and address appropriately their concerns.

(C) Scope

The policy applies to all faculty members in the College of Medicine & Life Sciences, including all programs within the College (i.e., Physician Assistant Program) (referred to in this policy as “Faculty”).

(D) Peer Review Nature of Professionalism Reviews

Confidentiality: The processes and committees formed under this policy are peer review processes and committees as defined by section 2305.25 of the Ohio Revised Code. As such, such committee’s procedures, notes and records created for or on behalf of the committee, including any investigatory or ad hoc committee, are confidential and must be held in confidence.
(E) Standards for Faculty

1) General Expectations

a. Faculty members, as medical educators, have a duty, not only to convey the knowledge and skills required for delivering the profession’s contemporary standard of care, but also to inculcate the values and attitudes required for preserving the medical profession’s social contract across generations.

b. Faculty members, as medical educators, must be role models who epitomize professional values and attitudes in order to have a learning environment suffused with integrity and in which students learn enduring lessons of professionalism.

c. Fundamental to the ethics of medicine is respect for every individual. Mutual respect between learners, as novice members of the medical profession, and their teachers, as experienced and esteemed professionals, is essential for nurturing that ethic. Given the inherently hierarchical and asymmetrical nature of the teacher/learner relationship and the health delivery enterprise, Faculty members have a special obligation to ensure that they always treat students, patients and colleagues respectfully.

2) The Core Attributes of Professionalism:

Numerous national organizations have developed consensus statements and guidelines that outline the core attributes of professionalism. The following list although not exhaustive details the attributes of physicians who are involved in care of patients, however, a number of these principles hold value for medical educators as well. These core attributes include

a. Altruism refers to the best interests of a Faculty member’s patients and not to one’s self.

b. Responsibility & Accountability Requires that all Faculty members be responsible and accountable to patients for fulfilling the duties within the physician/patient relationship. Faculty members also must be accountable to society and to the profession for adhering to time honored ethical precepts.

c. Excellence & Scholarship entails a conscientious effort to exceed ordinary expectations and to make a commitment to lifelong learning. It is an acknowledged goal for all physicians and members of the College of Medicine & Life Sciences Faculty.

d. Duty is the free acceptance of a commitment to service. This commitment entails being available and responsive when “on-call” for clinical services, accepting inconvenience to meet the patient’s needs, enduring unavoidable risks to oneself

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when a patient’s welfare is at stake, advocating the best available care regardless of the ability to pay, seeking active role in professional organizations, and volunteering one’s skill and expertise for the welfare of the community.

e. **Honor and Integrity** is the consistent regard for the highest standards of behavior and refusal to violate one’s personal and professional codes. These qualities include being fair, being truthful, keeping one’s word and meeting commitments. Honor and integrity also requires avoiding conflict of interest and avoidance of relationships that allow personal gain to supersede the best interest of the patients as well as learners.

f. **Respect for others** including but not limited to patients and the patient’s family, other physicians and professional colleagues such as nurses, residents, fellows and medical students.

g. **Caring & Compassion** is exhibiting a deep awareness, concern, and empathy for others coupled with the wish to relieve those experiencing the situation.

h. **Cultural Competency** is being well qualified to recognize, adapt, and respond to culturally based challenges during clinical and interpersonal encounters. It also includes adapting communication styles to that of the patient and their families.

i. **Confidentiality** is protecting the patient’s information and being aware of mandated privacy regulations (e.g., FERPA and HIPAA).

j. **Leadership** is the capacity to guide, direct or serve as a channel for others. A leader shares responsibility for group learning, feedback, and discussion, supports colleagues by creating a collegial learning environment, and allows others to demonstrate excellence when appropriate.

3) **Domains of Professionalism**. Standards of professional behavior in the educational setting are related to multiple domains including but not limited to relationships with students or other learners, faculty members, staff, patients and their families as well as others. It is the responsibility of all faculty members to create a positive atmosphere conducive to learning and supporting the ethical principles listed above.

4) **Minimum standards of behavior**. Faculty of the College of Medicine & Life Sciences are held to the standards expected of similarly situated academic faculty and instructors. The policies listed below are exemplary, and not exhaustive, of the rules that apply to Faculty, and to which Faculty may be subject to discipline, up to and including termination:

   a. Faculty Rules and Regulations as such rules are formally adopted by Faculty and the University of Toledo Board of Trustees;

   b. College of Medicine & Life Sciences policies that apply to Faculty;

   c. iCare Standards policy 3364-10-11, Standards of Conduct policy 3364-25-01 and Workplace Violence policy 3364-60-07;
d. Health Care Compliance Plan and HIPAA policies 3364-100-90-01 through 03, 3364-100-90-05, 3364-100-90-07 through 09, 3364-100-90-11 through 18, and related rules and regulations;

e. Resolution of Conflict in accordance with Faculty Grievance and Appeals Policy 3364-72-51;

f. University research policies, including but not limited to 3364-70-21 Policy on Integrity in Research and Scholarship and Procedures for Investigating Allegations of Misconduct in Research and Scholarship, financial conflict of interest for sponsored research programs policy 3364-70-01 or responsible conduct of scholarship and research policy 3364-70-02;

g. If convicted or pleads to any felony, any drug-related misdemeanor or crime involving moral turpitude or immoral conduct or engaged in activity that constitutes any such crime.

5) Disruptive Behavior. Disruptive Behavior is prohibited by all Faculty in all University facilities and environments where students, residents and other Faculty learn and work. Disruptive behavior may result in review under this or other applicable policy or rules. Prohibited behavior by a Faculty member includes, but is not limited to, words, acts, or omissions that:

a. Prevent or interfere with an individual’s or group’s work, academic performance, or ability to achieve intended outcomes. Examples include but are not limited to intentionally ignoring questions or not returning phone calls or pages related to matters involving patient care, or publicly criticizing other members of the team or the institution;

b. Create, or have the potential to create, an intimidating, hostile, offensive, or potentially unsafe work or academic environment. Examples include verbal abuse, threatening or intimidating words, or words reasonably interpreted as threatening or intimidating;

c. Threaten personal or group safety, such as aggressive or violent physical actions; or

d. Fail to knowingly comply with University or UTMC policies, including those related to conflicts of interest and compliance; or

e. Fail to comply with the University’s sexual harassment/harassment policy or non-discrimination policies.

(F) Procedure for Exemplary Professionalism, or Unprofessional or Disruptive Behavior

1) Exemplary Professionalism Reports. In the event that a student, resident, fellow, staff member, patient or other faculty member wishes to report exemplary Faculty professionalism, the person should take the following steps
a. The person should complete the Professional Behavior Report (Appendix A) with a narrative summary of the event(s) attached to the form;

b. The person should submit the completed report form to any of the Associate Deans in the College of Medicine & Life Sciences, to the Office of Faculty Affairs or to the Office of the Dean of the College of Medicine. The Associate Dean for Professionalism will receive all Reports and house such Reports. The Associate Dean for Professionalism will provide a copy of the Report to the Chair of the Department within which the Faculty member belongs and a copy will be forwarded to the Office of Faculty Affairs and placed in the Faculty member’s employment file.

2) Violation of Policy, Unprofessional or Disruptive Behavior

a. Any student, patient, resident, fellow, staff or other faculty member who experiences mistreatment or who witnesses unprofessional or disruptive behavior or a violation of the code of conduct by a member of the Faculty is strongly encouraged to report the facts immediately to the Student Ombudsman, any Faculty member, Associate Dean, the Office of Faculty Affairs, or the Dean of the College of Medicine & Life Science’s Office.

b. The person receiving or witnessing the mistreatment or unprofessional behavior should: 1) complete the attached form, the Faculty Professionalism Report of Unprofessional Behavior or Mistreatment; 2) submit the allegations in writing to any COMLS Associate Dean; or 3) submit the complaint or allegation through the learning environment anonymous reporting mechanism made available to all students at http://utmc.utoledo.edu/learningenvironment. Any of these forms of reporting regarding a COMLS Faculty member with respect to the learning environment will be considered a Report under this policy (the “Report”).

c. Any complaint regarding racial or sexual harassment must also be addressed through University policies 3364-50-01, -02 and -03.

d. Persons reporting have protection from retaliation in accordance with University policy and reports of mistreatment or violations of standards of conduct will be addressed in a fair and professional manner without fear of retaliation to the person initiating the issue or complaint in accordance with such University policy. In addition, persons reporting will receive acknowledgement of receipt of the complaint and notice of final resolution subject to limitations regarding protected information.

3) Once a Faculty Professionalism Report of Unprofessional Behavior or Mistreatment has been made:

a. Receipt of Report. The Report must be provided to the Associate Dean for Professionalism by the person completing the Report or the Associate Dean receiving the Report. The Associate Dean for Professionalism will monitor the anonymous reporting mechanism. If the Associate Dean for Professionalism is the subject of the Report the Report should be forwarded to the Dean of the College of Medicine & Life Sciences.
b. **Administrative Leave.** At the discretion of an Appointing Authority, and in accordance with the policies and practices of the University, the Faculty member may be immediately placed on administrative leave, paid or unpaid, pending the outcome of the investigation and final determination findings and discipline if any, based on the severity of the allegation.

c. **Determination of the Formulation of an Ad Hoc Committee.**

   i. A determination will be made by any two of the three persons listed in Section 3.c.ii. below as to whether the matter or allegations on the face of the Report contain facts to warrant only an informal discussion or other mechanism of communication consistent with current practice with the Faculty member and not the appointment of a COMLS ad hoc committee because:

      1) there is no present known pattern of behavior;
      2) or the facts alleged on their face do not arise to an egregious or mandated review under University policy or applicable law; or
      3) whether the matter or allegations would be more appropriately handled under a medical staff policy (see Section 4 (b)) below.

   ii. A review may be conducted of the Faculty member’s employment file(s), patient complaints, if applicable, or other historical behavioral files and information to determine whether a pattern of inappropriate behavior has occurred or is continuing. At least two of the three following individuals must concur as to the appropriateness of the formulation of a COMLS ad hoc committee or referral to the medical staff for further review (or review under both):

      1) the Associate Dean for Professionalism;
      2) the Vice President for Medical Affairs/Associate Dean for Clinical Affairs (VPMA); and/or
      3) Chief of Staff for the UTMC Medical Staff

   iii. The Associate Dean for Professionalism, the VPMA and Chief of Staff will be consistent, fair and non-discriminatory in all determinations of whether to recommend the appointment of an ad hoc committee or refer the matter to the appropriate medical staff committee.

   iv. If the allegations contained in the Report are found to not warrant the appointment of an ad hoc committee or referral to a medical staff committee, an informal discussion or similar mentoring-type discussions may be held with the Faculty member by any peer Faculty member.

   v. After awareness is made to the Faculty member through this informal mechanism, and the apparent pattern has been made known to a faculty member with expected behaviors, and after subsequent incidents or Reports it becomes appropriate for guided intervention by authority, in which case, the Chair of the Faculty member, an Associate Dean, VPMA or the Dean of the College of Medicine & Life Sciences would be included in the discussions with the Faculty member with respect to the
pattern of behavior. See subsection g below.

d. Appointment of Ad Hoc Committee. If an ad hoc committee is recommended and
then appointed by the Dean of the College of Medicine & Life Sciences, the
following will apply:

i. The ad hoc committee will include no less than three voting members
and the Associate Dean for Professionalism. The Associate Dean for
Professionalism will serve as a non-voting member and who may be
recused by the Dean based on a conflict of interest.

ii. The ad hoc committee will include faculty of the College that are without
material conflict with the allegations set forth in the allegations or
complaint. The ad hoc committee may include the VPMA/Associate
Dean for Clinical Affairs, the Associate Dean for Student Affairs, the
Associate Dean for Undergraduate and Graduate Medical Education, the
Associate Dean for Preclinical Medical Education, other COMLS faculty
members, or other faculty.

iii. The suggested membership of the ad hoc committee will be
recommended by the Associate Dean for Professionalism to the Dean of
the College of Medicine & Life Sciences and approved in a timely
fashion.

iv. Independent Investigation. The Associate Dean for Professionalism will
ensure that an independent and thorough investigation be conducted by
persons without conflict or involvement in the allegations (for racial or
sexual harassment, this may include the report conducted under those
applicable policies). Under the independent investigation, the Faculty
member’s employment file(s), patient complaints, if applicable, or other
historical behavioral files and information should be reviewed and
considered within the investigation to determine whether a pattern of
inappropriate behavior has occurred or is continuing. An investigation
may be conducted concurrently with other medical staff committee
reviews or investigations, as long as the purpose of the investigation is
for submission to a confidential peer review or quality assurance
committee of a health care entity. Within the investigation, a reasonable
effort will be made to obtain the facts. The investigation should include
the gathering of facts involving those witnessing the alleged event(s).

v. The ad hoc committee will review the results and findings of the
completed independent investigation.

vi. The ad hoc committee will allow the Faculty member who is the subject
of the Report to meet with the committee if the Faculty member so
desires. The Faculty member may also wish to submit a written
statement. In either case, the Faculty member is permitted to explain the
situation and investigatory findings from his or her perspective. The
Faculty member will not be entitled to legal counsel. If a meeting is
requested, the Faculty member will be given adequate proper notice of
the time and place of the meeting with the membership of the ad hoc
committee. If the Faculty member requests an opportunity to respond in writing, the Faculty member will be given adequate time to provide.

e. Recommendations. The ad hoc committee will formulate written recommendations with respect to findings of violations of policy or other applicable rules and make recommendations for disciplinary action, if warranted. The ad hoc committee will forward their findings and recommendations to the Dean of the College of Medicine & Life Sciences. As a peer review committee, the drafts and recommendations made within the ad hoc committee will be protected to the extent required under Ohio law.

f. Final Determinations. The Dean of the College of Medicine & Life Sciences will make a final determination of whether there occurred a policy or rule violation and the proper disciplinary action. The final decision of the Dean will be rendered within 120 days of the filing of the initial Report, unless circumstances warrant otherwise.

g. Discipline. A tiered approach will be used for disciplinary action to be applied by the College will be based on severity and frequency of the infraction(s), violations or acts or omissions.

i. For single minor events, an informal discussion may be sufficient with a peer member.

ii. For single events or a pattern of events or behavior, the Chair or an Associate Dean or the Dean may be asked to discuss the conduct or pattern with the Faculty member.

iii. For recurring events of unprofessional behavior, monitored behavior, peer review, outside counseling or other behavior modification processes may be required.

iv. For any infractions, violations or acts or omissions, a disciplinary letter may be placed in the faculty member's file. The disciplinary letter may be from the Faculty member's Chair, the VPMA/Associate Dean for Clinical Affairs, or from the Dean of the College of Medicine & Life Sciences addressed to the Faculty member advising the Faculty member of the findings and violations, which then is placed in the Faculty member's file in the Office of Faculty Affairs.

v. For a serious single event or series of unprofessional behavior events, intervention and disciplinary action is required, up to and including notice of termination, suspension or immediate termination in accordance with the Faculty Rules and Regulations and other applicable policies and rules.

h. Rights of Faculty. All Faculty members will have the rights afforded to Faculty members under the Faculty Rules and Regulations, the Faculty Grievance and Appeals policy or other applicable policies or procedures promulgated from time to time by the University or the Board of Trustees.
4) Other Applicable Procedures:

a. **Sexual Assault, Sexual Harassment, Harassment or Discrimination.** All reports of sexual or racial harassment or discrimination (based on race, religion, ethnicity, gender, sexual orientation, disability or age,) are also to be reported in accordance with policies 3364-50-01, -02 and -03, as amended. Reports may be made to the Office of Institutional Diversity (Office of Inclusion) and/or Human Resources Department or by calling the compliance Hotline (1-888-416-1308) all of which will be forwarded to the proper party for investigation as required by the above policies. The Dean of the College of Medicine & Life Sciences may invoke Article 3 c. above and call an ad hoc committee to carry out his duties as supervisor for faculty in the College of Medicine & Life Sciences and follow the procedures set forth in this policy.

b. **Allegations Regarding Clinical Care or Clinical Competency.** Allegations regarding suboptimal clinical patient care, practitioner competency or patient care quality concerns, practitioner incapacity or impairment in the clinical setting, medical record delinquency or other allegations of a clinical peer review nature should be dealt with in accordance with the Medical Staff Bylaws and applicable Medical Staff and UTMC policy within appropriate peer review or quality assurance committees. A disruptive Faculty member may be dealt with under this policy or under the Medical Staff's Disruptive Physician policy as applicable.

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**Policies Superseded by This Policy:**
- none

**Initial effective date:** 3/1/09

**Review/Revision Date:**
- 12/28/10
- 2/20/12

**Next review date:** (three years from most recent revision/review date)

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Approved by:

[Signature]

Jeffrey P. Gold, M.D.
Dean, College of Medicine & Life Sciences

Date: 3/6/2014

Review/Revision Completed by:
Senior Leadership Team College of Medicine & Life Sciences
Committee on Rules and Governance
Office of Legal Affairs
Addendum A
College of Medicine & Life Sciences
FACULTY PROFESSIONALISM REPORT

Faculty name and Course (type or print legibly)

Check if you are reporting:

☐ Exemplary Professional Behavior
☐ Unprofessional Behavior or Mistreatment

The above Faculty member has demonstrated exemplary professional conduct, or in the alternative, misconduct or unprofessional behavior as follows (check all that apply):

a. In the medical profession through support of the ethical principles applicable to the profession by creating a positive atmosphere conducive to learning and supporting the ethical principles of duty, altruism, honesty and confidentiality, or more specifically:

☐ Maintaining honesty and truthfulness in all patient care and educational experiences;
☐ Being held accountable to patients for fulfilling the duties within the physician/patient relationship;
☐ Accepting a commitment to service and demonstrating a desire to put the best interests of the patient before one’s self;
☐ Protecting the confidentiality of patient and student information as required by law and applicable policy; and
☐ Creating a positive educational environment for students, residents, fellows and faculty that fosters learning.

b. In Relationships with students, faculty, staff, patients and others by maintaining appropriate boundaries, exhibiting compassion, respect for humanism and diversity and ensuring appropriate forms of communication with students, faculty, staff, patients and others, and using a dignified approach to conflict resolution and avoiding conflict in order to foster trust and demonstrate leadership, or more specifically:

☐ Showing respect for patients, students and fellows, faculty and other health care professionals;
☐ Establishing and maintaining appropriate boundaries with patients, residents, fellows and students in all learning situations;
☐ Exhibiting compassion for others;
☐ Demonstrating humanism and the value of humans in all interactions;
☐ Respecting diversity and maintaining sensitivity to cultural differences;
☐ Resolving conflicts in a manner that respects the dignity of all involved;
☐ Using professional language and communicating effectively with students, patients and coworkers;
☐ By appropriately managing and avoiding conflicts of interest; and
☐ Exhibiting a deep awareness, concern, and empathy for others coupled with the wish to
Relieve the source.

☐ Recognizing, adapting and responding to culturally based challenges during a clinical encounter and adapting communication styles to the patient's.

☐ Maintaining confidentiality by protecting the patient's information and being aware of mandated privacy regulations, e.g., FERPA (students) and HIPAA (patients).

☐ Showing Leadership through the capacity to guide, direct or serve as a channel for others, sharing responsibility for group learning, feedback, and discussion, supporting colleagues by creating a collegial learning environment, and allowing others to demonstrate excellence when appropriate.

c. In Individual Performance by maintaining ethical standards expected of all medical professionals;

☐ Being consistently punctual and timely with regard to clinical and educational experience and professional in dress and appearance.

☐ Check this box if the exemplary conduct or unprofessional behavior requires immediate action.

Narrative description of the observed behavior and circumstance (use additional sheets if necessary)

Date of Incident:

**Individual submitting Report (print name and sign)

Date Submitting Report: __________________________

Associate Dean for Professionalism (print and sign)
Date of Receipt of Report: __________________________

** May be completed anonymously, but anonymous reports make it extremely difficult for the University to investigate and address appropriately